

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 15 FEET FOR A PROPOSED DETACHED GARAGE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

Agenda Date 1/26/04 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

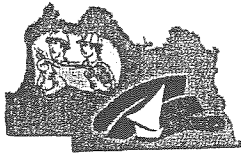
1. **APPROVE** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 15 FEET FOR A PROPOSED DETACHED GARAGE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT), JOHN AND KAREN FLORIO, APPLICANTS; OR
2. **DENY** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 15 FEET FOR A PROPOSED DETACHED GARAGE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT), JOHN AND KAREN FLORIO, APPLICANTS; OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #3, Van Der Weide)

(Francisco Torregrosa, Planner)

GENERAL INFORMATION	JOHN & KAREN FLORIO, APPLICANTS 328 EAST TANGERINE STREET ALT. SPGS., FL 32701	R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO CONSTRUCT A 1,194 SF (32 FT X 37.33 FT) DETACHED GARAGE, WHICH WOULD ENCROACH 15 FEET INTO THE MINIMUM 30 FOOT REAR YARD SETBACK. • THE AFOREMENTIONED VARIANCE IS THEREBY REQUESTED. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE, AS STATED IN LDC SECTION 30.43(b)(3). STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> ○ NO SPECIAL CONDITIONS EXIST, WHICH ARE PECULIAR TO THE PROPERTY OR PROPOSED DETACHED GARAGE. ○ THE APPLICANT WOULD RETAIN REASONABLE USE OF THE SUBJECT PROPERTY WITHOUT THE REQUESTED VARIANCE. THE PROPOSED GARAGE 	

	<p>COULD BE REDUCED IN SIZE AND LOCATED ELSEWHERE ON THE SITE TO COMPLY WITH THE REAR YARD SETBACK WITHOUT SUBSTANTIAL DETRIMENT TO EXISTING TREES ON THE SITE.</p> <ul style="list-style-type: none">○ THE REQUESTED VARIANCE WOULD BEGIN A TREND OF ENCROACHMENT INTO THE REAR YARD SETBACK WITHOUT THE CLEAR DEMONSTRATION OF A HARDSHIP.○ TO MEET THE DEFINITION OF AN ACCESSORY BUILDING, AS DEFINED BY THE LAND DEVELOPMENT CODE, THE PROPOSED STRUCTURE IS REQUIRED TO BE INCIDENTAL TO THE EXISTING SINGLE-FAMILY HOME AND SUBORDINATE IN SIZE. THE PROPOSED (ACCESSORY) GARAGE IS 1,994 SF IN SIZE AND WOULD EXCEED THE SIZE OF THE (PRINCIPAL) RESIDENTIAL USE, WHICH IS 1,082 SF.
STAFF RECOMMENDATION	<p>STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUESTED VARIANCE AND MAKE THE APPROPRIATE FINDINGS OF FACT, UNLESS A HARDSHIP CAN BE DEMONSTRATED BY THE APPLICANT. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED DETACHED GARAGE AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, FOLLOWING INFORMATION PRESENTED AT THE PUBLIC HEARING.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX

APPL. NO. BV 2003-198

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

APPLICATION TYPE:

- ☒ **VARIANCE** Rear yard setback variance from 30 feet to 15 feet for proposed detached garage.

☐ **SPECIAL EXCEPTION**

☐ **MOBILE HOME SPECIAL EXCEPTION**

☐ EXISTING ☐ PROPOSED ☐ REPLACEMENT

MOBILE HOME IS FOR _____

YEAR OF MOBILE HOME _____ SIZE OF MOBILE HOME _____

ANTICIPATED TIME MOBILE HOME IS NEEDED _____

PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN _____

MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO

☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	John M. & Karen L. Florio	N/A
ADDRESS	328 East Tangerine Street	N/A
	Altamonte Springs, FL 32701	
PHONE 1	407-260-1851	N/A
PHONE 2	407-644-4068	N/A
E-MAIL	JAAK@aol.com	N/A

PROJECT NAME: Florio Residence Rear Yard Setback Variance

SITE ADDRESS: 328 East Tangerine Street, Altamonte Springs, FL 32701

CURRENT USE OF PROPERTY: Single Family Residence

LEGAL DESCRIPTION: Lots 8 & 9, Block "E", West Altamonte Heights Section One,

According to the Plat thereof as recorded in Plat Book 10, Page 69 of the Public Records of Seminole County Florida.

SIZE OF PROPERTY: 0.35 acres (124'x121') PARCEL I.D. 11-21-29-517-0E00-0080

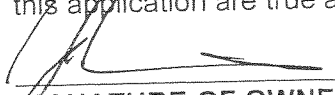
UTILITIES: ☒ WATER ☐ WELL ☐ SEWER ☒ SEPTIC TANK ☐ OTHER

KNOWN CODE ENFORCEMENT VIOLATIONS None known to exist.

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on _____ (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.


SIGNATURE OF OWNER OR AGENT* John M. & Karen L. Florio

12/03/03
DATE

Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:

N/A

VARIANCE 3:

N/A

VARIANCE 4:

N/A

VARIANCE 5:

N/A

VARIANCE 6:

N/A

VARIANCE 7:

N/A

VARIANCE 8:

N/A

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL _____

SIGNATURE _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY

PROCESSING:

FEE: \$150 COMMISSION DISTRICT 3 FLU/ZONING R-1AA

LOCATION FURTHER DESCRIBED AS LOCATED ON THE SOUTH SIDE OF
TANGERINE ST. APPROX. 500' WEST OF THE INTERSECTION OF TANGERINE
AND PRESSVIEW

PLANNER _____

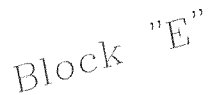
DATE DEC. 5, 2003

SUFFICIENCY COMMENTS _____

(#340)

SET BENCHMARK ELEV.=92.12

SET NAIL ON N.W. FACE OF POWER POLE



PROPOSED
CONCRETE
DRIVEWAY

ONE STORY W.F.
RESIDENCE ON CONC.
FOUNDATION
F.F.ELEV.=89.90

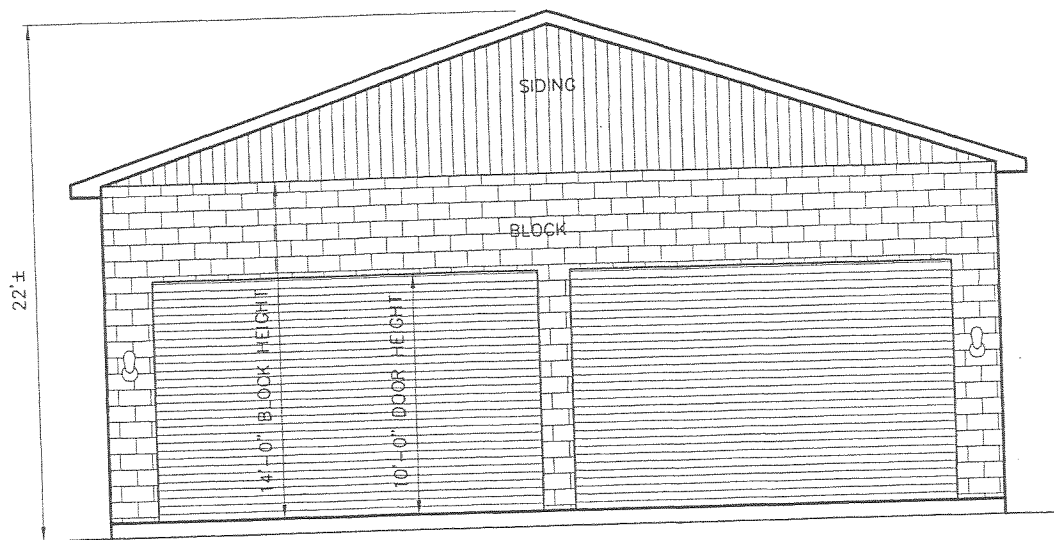
~~PROPOSED GARAGE
(32' X 37'4")
FFE 90.00~~

ONE STORY C.B. RESIDENCE

 $\gamma = 20$ 

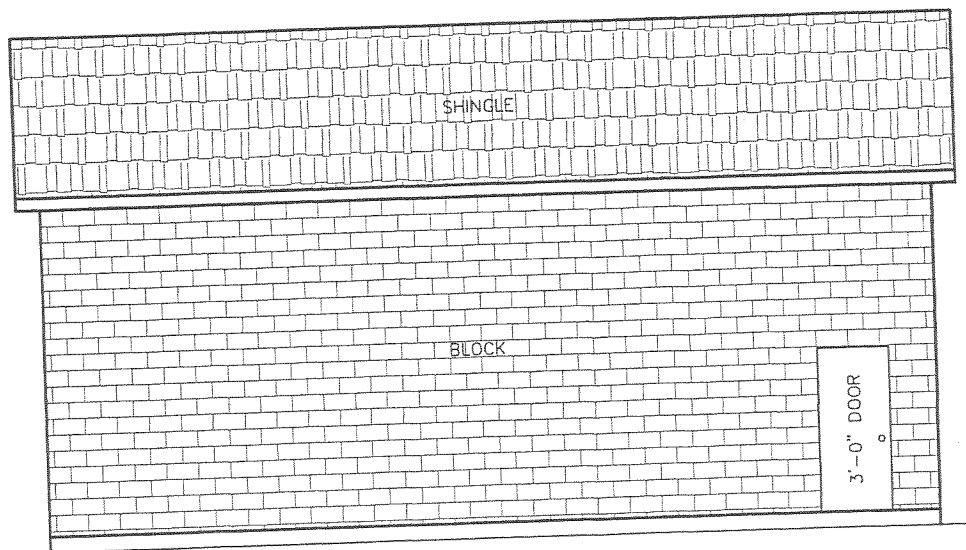
EXHIBIT "D"

(OPTION 2 PLAN)



FRONT (NORTH) ELEVATION

$1/4" = 1'-0"$



EAST ELEVATION

$1/4" = 1'-0"$

BOUNDARY SURVEY FOR: JOHN M. & KAREN L. FLORIO

DESCRIPTION:

LOTS 8 AND 9, BLOCK "E", WEST ALTAMONTE HEIGHTS SECTION ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 69 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

(#328)

TANGERINE STREET

(PUBLIC R/W-OPEN, PAVED)

ASPHALT PAVEMENT

SET BENCHMARK ELEV.=92.12
SET NAIL ON N.W. FACE OF POWER POLE

ABBREVIATIONS:

REC.	DENOTES	RECOVERED
I.P.	-	IRON PIPE
I.R.	-	IRON ROD
C	-	CENTERLINE
R/W	-	RIGHT-OF-WAY
C.B.	-	CONCRETE BLOCK
W.F.	-	WOOD FRAME
RES.	-	RESIDENCE
CONC.	-	CONCRETE
L.S.	-	LICENSED SURVEYOR
L.B.	-	LICENSED BUSINESS

1. THIS PROPERTY LIES IN FLOOD ZONE "X", PER F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 120289 0120 E, DATED APRIL 17, 1995.
2. TITLE DATA HAS NOT BEEN FURNISHED TO THE SURVEYOR.
3. UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED.
4. NOT VALID UNLESS SEALED WITH AN EMBOSSED SEAL.
5. THIS PROPERTY LIES IN SECTION 11, TOWNSHIP 21 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA.

NOTE:

SET BENCHMARK, ELEVATIONS AND CONTOURS ARE BASED ON SEMINOLE COUNTY BENCHMARK, DESIGNATION NUMBER 5177701, ELEVATION=90.613.

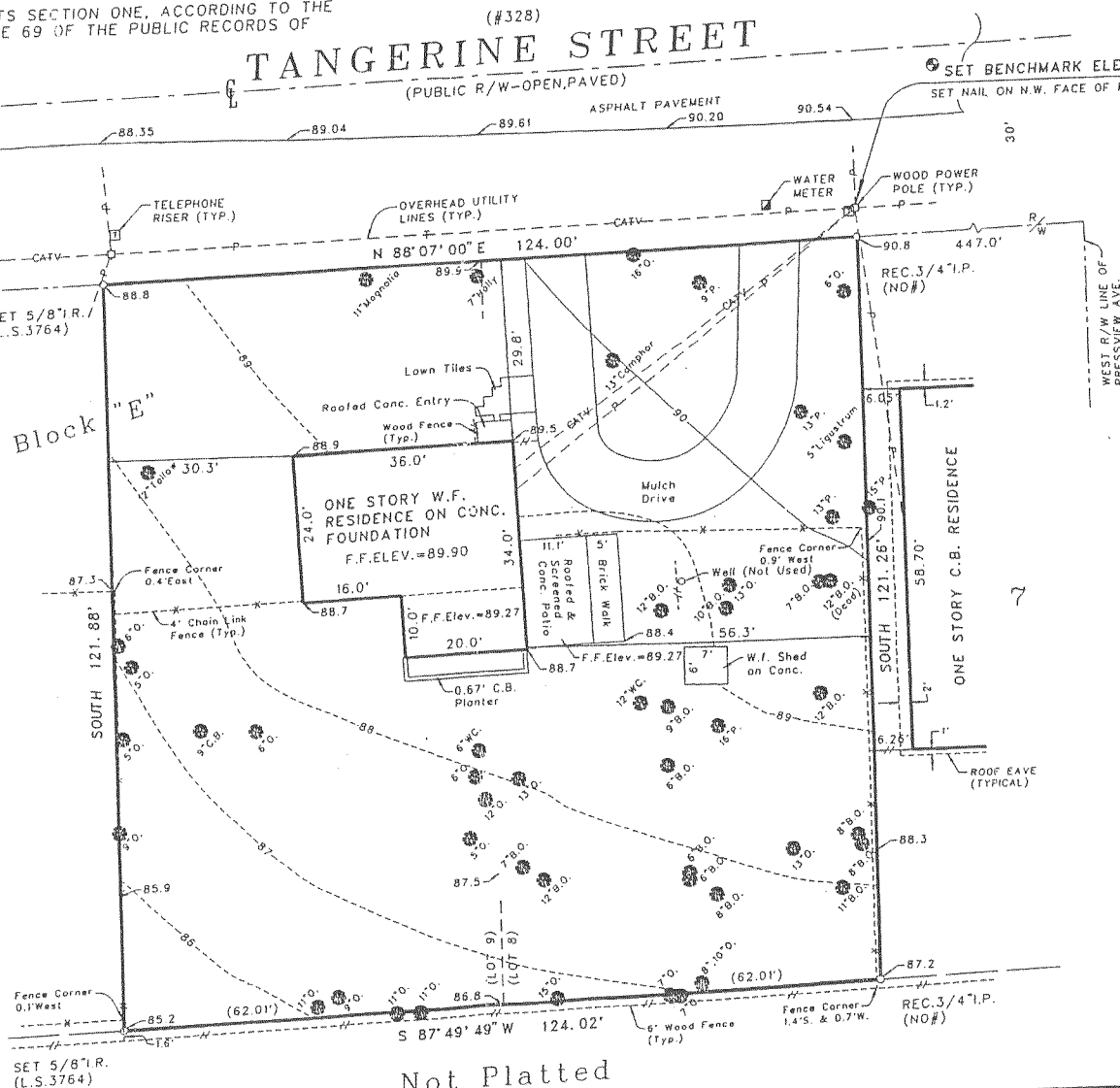
CONTOURS ARE BASED ON 1.0 FOOT INTERVALS.

TREE ABBREVIATIONS: B.O. DENOTES BLACKJACK OAK, CB. DENOTES CHINABERRY, O. DENOTES LIVE OAK, P. DENOTES PINE, WC. DENOTES WILD CHERRY.

TREE SIZES ARE SHOWN IN INCHES.

SWAGGERTY LAND SURVEYING, INC.
LICENSED BUSINESS NO.4206
1450 KASTNER PLACE, SUITE 100
P.O. BOX 2384
SANFORD, FLORIDA 32772-2384
(407)322-4630 FAX (407)322-8611

10



Not Platted

DATE OF:
BOUNDARY: 11-11-03
FOUND: 11-11-03
FINAL: 11-11-03
TOPOGRAPHY: 11-11-03

CERTIFIED CORRECT TO:

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE TO THE "MINIMUM TECHNICAL STANDARDS" FOR LAND SURVEYING IN THE STATE OF FLORIDA CH. 472.027 AND CH. 61C17-6.

Steven B. Swaggerty DATE: 11-12-03
REGISTERED LAND SURVEYOR NO. 3764

BEARINGS ARE BASED ON THE SOUTH RIGHT-OF-WAY LINE OF TANGERINE STREET AS BEING N.88°07'00"E. ASSUMED.

(FLORIO)

FILE NO. 80-03-M

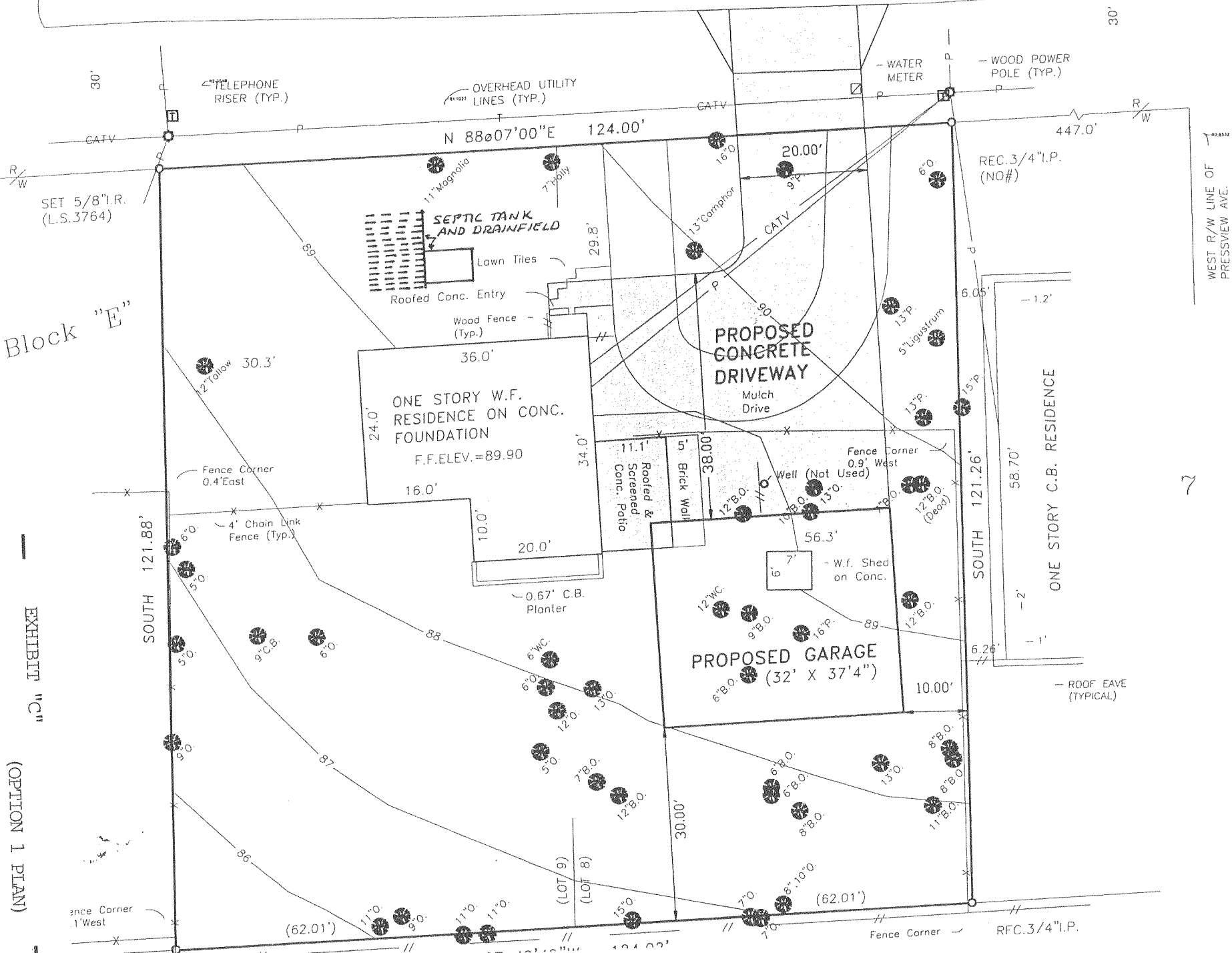
TANGERINE STREET


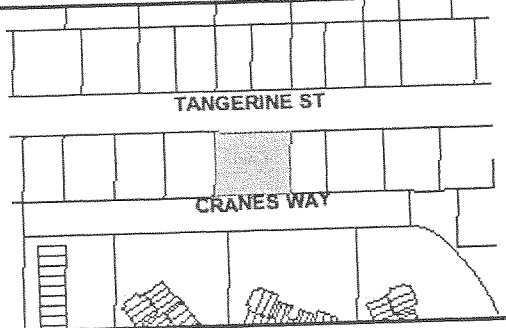
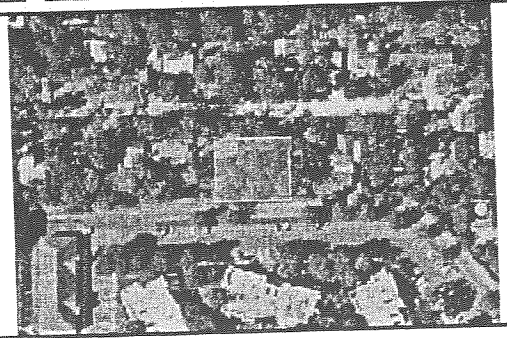
(PUBLIC R/W-OPEN, PAVED)

ASPHALT PAVEMENT

SET BENCHMARK ELEV.=92.12

SET NAIL ON N.W. FACE OF POWER POLE



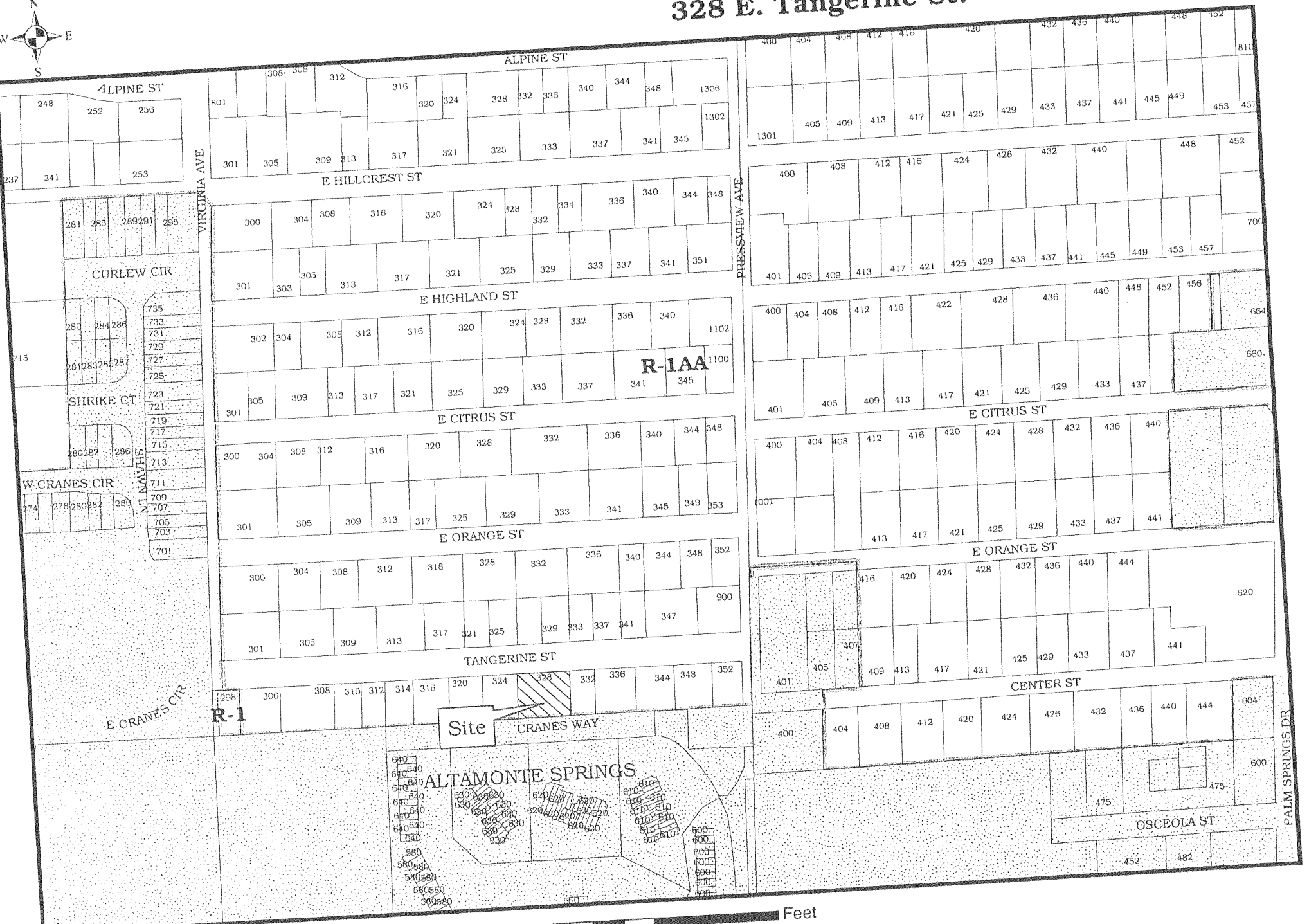
PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ ◁ Back ▷ ▶																																													
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																																		
GENERAL Parcel Id: 11-21-29-517-0E00-0080 Tax District: 01-TX DIST 1 - COUNTY Owner: LANZ BARBARA B PER REP FOR EST Exemptions: Own/Addr: OF MARGARET K BRUNNINGS Address: 1900 KUSAIE DR City,State,ZipCode: JACKSONVILLE FL 32246 Property Address: 328 TANGERINE ST ALTAMONTE SPRINGS 32701 Subdivision Name: WEST ALTAMONTE HEIGHTS SEC 1 Dor: 01-SINGLE FAMILY				2004 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$38,189 Depreciated EXFT Value: \$796 Land Value (Market): \$27,379 Land Value Ag: \$0 Just/Market Value: \$66,364 Assessed Value (SOH): \$66,364 Exempt Value: \$0 Taxable Value: \$66,364																																														
SALES Deed Date Book Page Amount Vac/Imp PROBATE RECORDS 10/2002 04547 1456 \$100 Improved Find Comparable Sales within this Subdivision				2003 VALUE SUMMARY 2003 Tax Bill Amount: \$1,147 2003 Taxable Value: \$66,920 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																																														
LAND <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>FRONT FOOT & DEPTH</td> <td>124</td> <td>122</td> <td>.000</td> <td>240.00</td> <td>\$27,379</td> </tr> </tbody> </table>				Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	124	122	.000	240.00	\$27,379	LEGAL DESCRIPTION PLAT LEG LOTS 8 + 9 BLK E WEST ALTAMONTE HEIGHTS SEC 1 PB 10 PG 69																																		
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NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.																																																		

BACK

PROPERTY APPRAISER
HOME PAGE

CONTACT

John & Karen Florio
328 E. Tangerine St.



Feet

**328 TANGERINE STREET
SEMINOLE COUNTY, FLORIDA
REAR YARD SETBACK VARIANCE REQUEST**

BACKGROUND:

The existing home at 328 Tangerine Street was constructed in 1960 on two platted lots each measuring approximately 62' x 121' for a combined total lot size of 124' x 121'. The existing home is approximately 1,100 square feet in size and is constructed of wood frame construction on a concrete slab on grade. Forty-nine 6" and larger trees benefit the lot as shown on the accompanying boundary, topographic and tree survey attached as Exhibit "A" which was recently completed for the Owner / Applicant.

PROPOSED IMPROVEMENT:

The Owner / Applicant is proposing to construct a three car garage to enable inside parking of his vehicles, a boat, and trailer. Construction of the garage will enable the Owner / Applicant to avoid having to park these vehicles and vessel outside of the home in the yard.

ZONING & SETBACK REQUIREMENTS:

The subject property is currently Zoned R-1AA and is at the southernmost boundary of unincorporated Seminole County. The South Property line is also the City limit of the City of Altamonte Springs. Please see Exhibit "B" attached for an excerpt of the current Seminole County Tax Map. Existing setbacks applicable to this lot and as required by the Seminole County Land Development Code (Section 30.206 (b)) are: 25' front yard, 10' side yard, and 30' rear yard.

SITE CHALLENGES:

The Owner / Applicant has considered two potential sites for the proposed garage and has completed two alternate site plans to evaluate them.

Option 1: The first plan, which meets the current Seminole County setback requirements, would place the garage structure in the Southeast corner of the lot. Placing the structure in this location would require the removal of as many as twelve 6" and larger trees including eight oak trees ranging in size from 6" to 16", three pine trees ranging in size from 9" to 16" and a 12" wild cherry tree. In addition, placing the garage in this location

will require the removal of the existing screened porch and it will conflict with an existing irrigation water well as well as existing overhead utility lines (power and cable) currently serving the residence. A copy of the "Option 1" site plan is attached as Exhibit "C".

Option 2: The second and preferred plan is to place the proposed garage in the Southwest corner of the property. A second site plan was developed to analyze this alternative and to avoid losing approximately twenty-five percent of the existing 6" and larger trees on-site. This site plan is attached as Exhibit "D". This plan would require the removal of only three existing 6" or larger trees including one 6" oak, one 9" chinaberry and one 12" tallow tree. This plan also eliminates the need to remove the existing screened porch and avoids the conflicts with the existing well and utility lines. To implement this plan a rear yard setback variance of fifteen feet (15') would be required.

IMPACT ON ADJACENT PROPERTY:

The preferred plan (Exhibit "D") will not impact adjacent properties. The existing 25' front yard setback would be exceeded and the 10' side yard setback would be accommodated. The proposed 15' rear yard setback will not impact the property to the South based on its existing use and configuration. The property bordering the South property line (in the City of Altamonte Springs) is zoned Mixed Office Residential 3 (MOR-3) and is currently developed as the Cranes Roost Condominiums. It should be noted that the closest building to the South lot line is approximately 120'-130' away. Immediately South of the Owner / Applicant's lot is a +/- 10' landscape buffer, a +/- 24' access road, an additional +/- 15' landscape tract planted with mature oak trees, a +/- 64' double loaded parking lot, a +/- 5' sidewalk and then +/- 10'-15' of landscape to the closest building. Photographs of the existing lot, home and various views surrounding the subject lot are attached as Exhibit "E". It should also be pointed out that the rear lot line of 328 Tangerine Street is completely fenced and is heavily treed with eight oak trees ranging in size from 7" to 15" as depicted on the survey and in the photographs attached. For additional reference the attached Exhibit "F" depicts the proposed North (front) and East (side) elevations of the proposed structure. Please note that the opposite sides (South - rear and West - side) are similar except there will be no doors in these locations.

REQUESTED VARIANCE:

The Owner / Applicant respectfully requests a fifteen foot (15') variance from the specified thirty foot (30') rear yard setback to enable construction of the proposed garage.

VARIANCE JUSTIFICATION:

- a. The extensive existing vegetation on this Lot presents a special condition, which is unique to the site and the surrounding area.
- b. The special condition is not the result of the actions of the Owner / Applicant.
- c. Approving the Variance would not confer any special privileges to the Owner / Applicant.
- d. Requiring strict compliance with Chapter 30 of the Seminole County Land Development Code would require the removal of approximately twelve 6" and larger trees to accommodate construction.
- e. The 15' rear yard variance is the minimum variance that will allow the reasonable use of the proposed garage structure for its intended purpose.
- f. The grant of the Variance would result in the preservation of twelve mature 6" and larger trees. The project will be designed and constructed to be in harmony with the general intent of Chapter 30. Moreover, the proposed project will not be injurious or detrimental to the existing neighborhood, the surrounding area or the general public welfare.

**328 TANGERINE STREET
SEMINOLE COUNTY, FLORIDA
TREE SURVEY ABBREVIATIONS**

<u>LEGEND:</u>	<u>DESCRIPTION (Common Name):</u>
B.O.	Blackjack Oak
C. B.	Chinaberry
O.	Live Oak
P.	Pine
W.C.	Wild Cherry

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 8 + 9 BLK E WEST ALTAMONTE HEIGHTS SEC 1 PB 10 PG 69

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: JOHN AND KAREN FLORIO
328 EAST TANGERINE STREET
ALTAMONTE SPRINGS, FL 32701

Project Name: TANGERINE STREET (328)

Requested Development Approval:

REAR YARD SETBACK VARIANCE FROM 30 FEET TO 15 FEET FOR A PROPOSED DETACHED GARAGE IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Francisco Torregrosa
1101 East First Street
Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property:

The variance granted shall apply only to the proposed detached garage, as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: